

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 9-16, 19-26, and 29-33 are currently pending. Claims 1, 9, 11, 19, 21, and 29 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-6, 9-16, 19-26, and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,542,892 to Cantwell (hereinafter "the '892 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on September 1, 2004, at which time a proposed amendment to Claim 1 was discussed. However, no formal agreement on the patentability of the claims was reached, pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a method, comprising: (1) monitoring a first device by a second device; (2) determining, by the second device, whether a current device driver in the first device is a desired device driver; (3) first transferring the desired device driver from the second device to the first device when it is determined that the current device driver in the first device is different from the desired device driver, wherein the current device driver and the desired device driver are configured to control operations of the first device; (4) accessing the first device by a third device using the current device driver to obtain information of the desired device driver, and determining, based on the obtained information, whether the current device driver is different from the desired device driver; (5) determining whether a user of the third device desires the desired device driver to be transferred to the third device, when it is determined that the current device driver is different from the desired device

driver; and (6) second transferring the desired device driver from the first device to the third device when it is determined that the user of the third device desires the desired device driver to be transferred to the third device, wherein the desired device driver is configured to control operations of the first device by the user of the third device. Claim 1 has been amended to recite accessing the first device by a third device using the current device driver to obtain information of the desired device driver and determining, based on the obtained information, whether the current device driver is different from the desired device driver. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 1, the '892 patent is directed to a system in which a user of a client computer requests a printer driver file and information of the capabilities of a printer 12 from a printer server 10, which attaches the print driver file and the description of the printer to an e-mail message and sends the message to the user. Further, the '892 patent discloses that, at the time of the request, the user does not have a printer driver file for the printer and that the user must enter an e-mail address of the printer for which it would like to obtain a device driver file. However, Applicants respectfully submit that the '892 patent fails to disclose (1) accessing a first device by a third device using a current device driver to obtain information of a desired device driver, and determining, based on the obtained information, whether the current device driver is different from the desired device driver; and (2) determining whether a user of a third device desires the desired device driver to be transferred to the third device when it is determined that the current device driver is different from the desired device driver. The '892 patent fails to disclose that the user is able to access the first device using the current device driver and whether a determination is made whether the user then wants to obtain a desired device driver after the first device is accessed. Rather, the '892 patent discloses that the user is unable to initially contact a given printer because it

¹ See, e.g., Figures 14-16 and the discussion related thereto in the specification.

does not have a desired device driver installed on the client computer. Accordingly, Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-6 and 31) are rendered moot by the present amendment to Claim 1.

Independent Claims 9, 11, 19, 21, and 29 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 9, 11, 19, 21, and 29 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claims 9, 11, 19, 21, and 29 (and all associated dependent claims) as being unpatentable over the '892 patent is rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 9, 11, 19, 21, and 29 (and all associated dependent claims) patentably define over the '892 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

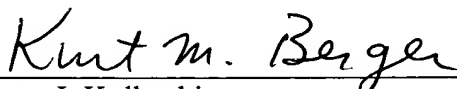
Respectfully submitted,

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